

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:24-cv-00547

REPUBLICAN NATIONAL COMMITTEE; and)	CONSENT MOTION FOR EXTENSION OF TIME TO HOLD THE RULE 26(f) MEETING
NORTH CAROLINA REPUBLICAN PARTY,)	
)	
Plaintiffs,)	
v.)	
)	
NORTH CAROLINA STATE BOARD OF)	
ELECTIONS, et al.,)	
)	
Defendants,)	
)	
and)	
)	
THE DEMOCRATIC NATIONAL COMMITTEE,)	
)	
Intervenor-Defendant.)	

NOW COME Defendants North Carolina State Board of Elections and its Executive Director and members, sued in their official capacities (“State Board Defendants”), by and through undersigned counsel, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Civil Rule 6.1(a), to move this Court for an Order extending the time within which the meeting required by Rule 26(f) of the Federal Rules of Civil Procedure is to occur. In accordance with the Order for Discovery Plan issued by the Court on November 26, 2024, the Rule 26(f) meeting should occur on or before December 26, 2024. [D.E. 74]. With the consent of the other parties, State Board Defendants are requesting an extension of that deadline by thirty (30) days, such that the Rule 26(f) meeting must be held on or before January 27, 2025.

In support of this Motion, State Board Defendants show the following:

1. Plaintiffs filed their Complaint in this action on August 23, 2024, in the North Carolina General Court of Justice, Superior Court Division, Wake County. [D.E. 1-3].

2. The Democratic National Committee (“DNC”) intervened as a defendant, filing a Motion to Dismiss, Answer, and Affirmative Defenses in Superior Court, Wake County, on September 12, 2024. [D.E. 1-16, -18, and -19].

3. State Board Defendants and DNC removed the action to this Court on September 23, 2024. [D.E. 1].

4. State Board Defendants subsequently filed a Motion to Dismiss Plaintiffs’ Complaint on September 30, 2024 [D.E. 38], and DNC filed a response in support of that motion on October 7, 2024 [D.E. 48].

5. On October 1, 2024, Plaintiffs filed an Emergency Motion to Remand the action to Superior Court, Wake County, and for Expedited Consideration. [D.E. 37].

6. This Court, the Honorable Richard E. Myers, II, presiding, held a hearing on State Board Defendants’ Motion to Dismiss and Plaintiffs’ Emergency Motion to Remand on October 17, 2024. [*See* Docket Text Notices issued Oct. 1, 2024].

7. That same day, the Court issued an order denying the Emergency Motion to Remand, dismissing one of Plaintiffs’ two claims (“Count 1”), and remanding the other to state court (“Count 2”). [D.E. 58].

8. The Fourth Circuit subsequently reversed this Court’s order to the extent it remanded Count 2 to state court on October 29, 2024. [D.E. 70].

9. In an order issued on November 22, 2024, this Court denied State Board Defendants’ Motion to Dismiss to the extent it sought dismissal of Count 2 and referred the matter for entry of a scheduling order. [D.E. 73].

10. The Court, via the Clerk of Court, issued an Order for Discovery Plan on November 26, 2024. [D.E. 74]. In accordance with that order, the meeting required by Rule 26(f) of the Federal Rules of Civil Procedure must occur by December 26, 2024. *Id.*

11. Given the press of other deadlines, the Christmas and New Years Day holidays, and counsel and client unavailability between the issuance of the Order for Discovery Plan and the Rule 26(f) meeting deadline, undersigned counsel respectfully request an extension of that deadline by thirty (30) days, such that the Rule 26(f) meeting must occur by January 27, 2025.

12. This is State Board Defendants' first request for an extension of the deadline for holding the Rule 26(f) meeting.

13. This motion is being made within the current deadline and is not being made for any improper purpose.

14. Undersigned counsel believe that the extension of time is reasonable. The undersigned discussed this request with Plaintiffs' and DNC's counsel, and they have consented to this motion.

15. A proposed order granting this Motion for Extension of Time is attached hereto.

WHEREFORE, State Board Defendants respectfully request the Court for an order extending the time for holding the Rule 26(f) meeting, up to and including January 27, 2024.

This the 23rd day of December, 2024.

N.C. DEPARTMENT OF JUSTICE

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CERTIFICATE OF SERVICE

I certify that the foregoing was filed electronically with the Clerk of Court using the CM/ECF system which will send notification of such filing to the below listed attorneys:

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This the 23rd day of December, 2024.

/s/ Mary Carla Babb
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